



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

July 30, 2004

LETTER OF DEFICIENCY #WSEB 04-100
CERTIFIED MAIL #7000 0600 0023 9933 7760

James Dean
665 Main Street
Fremont, NH 03044

Subject: Fremont - Public Water System: Jimmy Dean's Diner

Dear Mr. Dean:

The records of the Department of Environmental Services (DES) show that the Jimmy Dean's Diner water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people, for 60 or more days per year. This classification was determined during an April 2004 visit by DES staff to your facility at which time you agreed that your facility met the definition of a PWS.

Pursuant to NH Admin. Rule Env-Ws 306, PWSs are subject to initial and subsequent periodic sanitary surveys by DES staff. The purpose of the sanitary survey is to evaluate the adequacy of source(s), storage facilities, equipment, operation, and maintenance to produce and distribute safe drinking water. At the time of the April 2004 site visit, you were quite busy and it was agreed that the DES inspector would call at a later date to set up a mutually agreeable date to conduct an initial inspection of the facility. Messages were left for you on April 26, May 5, May 10, May 13, June 14, and June 30, 2004, requesting that you contact DES staff to set up the inspection date. You did not respond.

On July 6, 2004, DES sent a letter to you that noted that your facility was a public water system, listed the numerous unsuccessful attempts to contact you, advised you that failure to arrange a sanitary survey was a violation, and requested that you contact DES staff within 15 days to schedule a sanitary survey. To date, DES has not received a response from you, thus placing the water system in violation of Env-Ws 306.

DES believes the violation can be corrected by taking the following action:

- **By August 13, 2004**, contact Mary Clairmont of DES' Water Supply Engineering Bureau to schedule a date for a sanitary survey of the water system. Ms. Clairmont can be reached by phone at (603) 271-6603, or by e-mail at mclairmont@des.state.nh.us.

In the event compliance is not achieved within this time period, DES may take further enforcement action, including issuing an order requiring the deficiency to be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

Letter of Deficiency #WSEB 04-100
Jimmy Dean's Diner
July 30, 2004
Page 2 of 2

Please contact Alan Leach at (603) 271-2854 or by e-mail at aleach@des.state.nh.us, if you have any questions regarding this letter.

Sincerely,



COPY
Rene Pelletier, P.G., Manager
Land Resource Programs

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cc: Gretchen R. Hamel, DES Legal Unit Administrator
Gertrude Butler, Town of Fremont Health Officer
Paul Raiche, DH&HS, Food Protection Bureau
EPA, Region 1